

EXHIBIT 5

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Attorneys for Defendants Power
Ventures, Inc. and Steve Vachani

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FACEBOOK, INC.,

Plaintiff,

-against-

POWER VENTURES, INC. d/b/a POWER.COM, a
California corporation; POWER VENTURES, INC.
a Cayman Island Corporation, STEVE VACHANI,
an individual; DOE 1, d/b/a POWER.COM, an
individual and/or business entity of unknown nature;
DOES 2 through 25, inclusive, individuals and/or
business entities of unknown nature,

Defendants.

Case No. 5:08-cv-05780 JF (RS)

**NOTICE OF DEPOSITION OF
CRAIG CLARK**

1 TO EACH PARTY AND TO EACH ATTORNEY OF RECORD IN THIS ACTION:

2 YOU ARE HEREBY NOTIFIED THAT THE DEPOSITION OF Craig Clark will be taken
3 at Orrick, Herrington & Sutcliffe LLP, 405 Howard Street, San Francisco, California 94105-2669
4 on February 17, 2011 at 9:00 a.m.

5 The deposition will be taken by a notary public or other person qualified to administer
6 oaths; will be recorded stenographically, including recording by instant visual display of the
7 testimony; and will be videotaped. The deposition may continue from day to day or may be
8 continued to a future date or dates until completed, excluding Saturdays, Sundays and legal
9 holidays.

10 Dated: January 24, 2011

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15 By _____ /s/
16 L. Timothy Fisher

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25 Attorneys for Defendants Power
26 Ventures, Inc. and Steve Vachani
27
28

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Bursor & Fisher, P.A. 2121 North California Blvd., Suite 1010, Walnut Creek, CA 94596. On January 24, 2011, I served the within documents:

NOTICE OF DEPOSITION OF CRAIG CLARK

- ☐ by placing a copy of the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at Walnut Creek, California addressed as set forth below.
- ☐ by depositing a true copy of the same enclosed in a sealed envelope with delivery fees provided for a Federal Express pick up box or office designated for overnight delivery, and addressed as set forth below.
- ☐ By causing a process server to personally deliver a copy of the document(s) listed above to the person(s) at the address(es) set forth below
- ☐ by facsimile transmission on that date. This document was transmitted by using a Brother MFC-8460N facsimile machine that complies with California Rules of Court Rule 2003(3), telephone number (925) 407-2700. The transmission was reported as complete and without error.
- ☐ by personally delivering a copy of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☒ by pdf transmission. These documents were transmitted via e-mail to the following e-mail addresses as set forth below.

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct, executed on January 24, 2011, at Walnut Creek, California.



L. Timothy Fisher